

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,) CASE NO.: 1:21-CR-226-PAB-1
)
v.) DECLARATION OF WARNER
) SCHEYER IN SUPPORT OF
DAVIS LU,) DEFENDANT LU'S MOTION FOR A
) NEW TRIAL
Defendant.)
)

Warner Scheyer hereby declares as follows to the best of his knowledge and belief:

1. I am a software professional with expertise in a variety of programming languages.

I received a Bachelor of Science in Mechanical Engineering from the University of Washington in 1989, and have provided expert consulting services in a number of litigation matters.

2. I worked as a consulting expert for Mr. Lu's defense team. In that role, I worked with Mr. Lu's defense team to review and analyze the voluminous discovery materials and craft defense strategy.

3. As far as I am aware, I was provided with all discovery materials received by the defense, including any discovery materials the defense received from the Government. I reviewed all of the discovery materials that were provided to me. I am therefore familiar with the contents of the discovery materials the defense received.

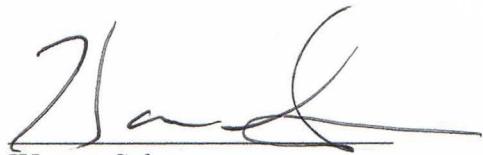
4. Prior to trial, I do not recall seeing the documents that purportedly support Exhibits 13A and 13B.

5. I understand that Mr. Lu retained attorneys from ArentFox Schiff LLP following his conviction.

6. Attorneys from ArentFox Schiff informed me that the Government identified four files that purportedly formed the basis of Exhibits 13A and 13B: (a) “DavisLu_ExchangeEmail.ad1”, (b) “DavisLu_ExchangeEmail.ad1”, (c) “DavisLu_ExchangeEmail.ad2”, and (d) “DavisLu_ExchangeEmail.ad3”.

7. At their request, I reviewed the discovery I received for these files. I conducted multiple reasonable, diligent searches for these specific files and cannot find them in my records. Furthermore, to date, I do not recall seeing the email notifications/alerts that purport to appear in Exhibit 13A or that form the basis of Exhibit 13B.

Dated: May 12, 2025
Lynden, WA



Warner Scheyer